

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

JOHN W. CROMEANS, JR., et al,)
)
Plaintiffs,)
)
vs.) Case No. 2:12-cv-04269-NKL
)
MORGAN, KEEGAN & COMPANY,)
INC., et al.,)
)
Defendants.)

ORDER

On September 16, 2015, United States Magistrate Judge Matt J. Whitworth recommended [Doc. 715] that the Plaintiffs' Motion for Final Approval of Settlement and Plan of Allocation [Doc. 702] and Motion for an Award of Attorneys' Fees and Expense Reimbursement and for Class Representative Enhancements [Doc. 704] be granted. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions were filed.

The parties notified the Court on September 24, 2015 [Doc. 717], that they waived the time to file objections to the Report and Recommendation, and that they had mutually agreed to two modifications of the joint stipulation of settlement [Doc. 691-1]: Section III.R(6)(b), Mechanics of Payments, and (7), Transfer of Funds to Claims Administrator, described by the parties as minor modifications. The parties asked the Court to accept the Report and Recommendation, and to finally approve the settlement with the two modifications.

Review of the record convinces the Court that the recommendation of the Magistrate Judge is correct and should be adopted, along with the two modifications to the stipulation requested by the parties. The two modifications (new material underlined, deleted material

struck through) are as follows:

Section III.R:

(6) Mechanics of Payments

* * *

(b) Class Members in Groups 1 and 2 who are (i) Non-Morgan Keegan Purchasers, (ii) Morgan Keegan Purchasers who do not presently hold their Bonds in their respective Morgan Keegan Accounts, or (iii) Morgan Keegan Purchasers who have transferred their Bonds to a Morgan Keegan account different from the one in which the Bonds were originally purchased must properly and timely tender their Moberly Bonds to Morgan Keegan (or, at Morgan Keegan's discretion, to Morgan Keegan's nominee), and submit a valid and timely Claim Form. The tender of the Bonds shall be concurrent with the submission of the Claim Form. Upon approval of the settlement and before distribution of funds to Class Members who meet these criteria, Class Members must provide written direction (in a form agreed to by the parties) to their broker-dealer, registered financial advisor, or securities custodian to transfer ownership of their Bonds to Morgan Keegan (or, at Morgan Keegan's discretion, to Morgan Keegan's nominee).

(7) Transfer of Funds to Claims Administrator. Within ten (10) calendar days of the Court granting final approval of this Settlement, Defendants shall cause to be transferred to the Claims Administrator an amount equal to ~~the Settlement Payments to Authorized Claimants who are referenced above in Section III.R.(6)(b)~~, the Attorneys' fees awarded by the Court not to exceed 33 1/3% of the Gross Settlement Amount, costs awarded by the Court not to exceed the amount recommended by the Magistrate Judge \$270,000, and Class Representative Enhancements not to exceed \$30,000. Within forty-five (45) calendar days of the Court granting final approval of this Settlement, Defendants shall cause to be transferred to the Claims Administrator an amount equal to the Settlement Payments to Authorized Claimants who are referenced above in Section III.R.(6)(b). In the event of any appeal, the Claims Administrator shall transfer back to Morgan Keegan any amounts that had

previously been deposited therewith to be held by Morgan Keegan in an interest-bearing account pending the appeal.

The Court finds that the modifications are minor or technical in nature, and will serve to streamline and promote clarity in the claims administration process.

The Court therefore orders as follows:

- the Report and Recommendation of September 16, 2015 [Doc. 715] is adopted;
- the Plaintiffs' Motion for Final Approval of Settlement and Plan of Allocation [Doc. 702] is granted;
- the Motion for Award of Attorneys' Fees and Expense Reimbursement and for Class Representative Enhancements [Doc. 704] is granted;
- the two modifications to the joint stipulation of settlement [Doc. 691-1], Section III.R(6)(b), Mechanics of Payments, and (7), Transfer of Funds to Claims Administrator, as requested by the parties [Doc. 717], are approved; and
- the Plaintiffs' claims are dismissed with prejudice, consistent with the foregoing.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: October 2, 2015
Jefferson City, Missouri